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March 21, 2016

**By ECF**

Hon. Valerie E. Caproni  
United States District Judge  
40 Foley Square, Room 240  
New York, NY 10007

Re: ***Bernstein v. Bernstein Litowitz Berger & Grossmann LLP, et al., 14 Civ. 6867(VEC)***

Dear Judge Caproni:

On behalf of defendants in the above-referenced action (the “Action”), I write in response to Your Honor’s March 18, 2016 Notice of Initial Pretrial Conference (ECF Dkt. No. 17). As Your Honor is aware, this Action was voluntarily dismissed on September 5, 2014 (ECF Dkt. Nos. 3, 20). As we advised the Second Circuit during the recent appeal, the parties modified their previous settlement agreement so that the finality of the settlement was no longer, and is not now, conditioned on any aspect of the Action remaining under seal. Accordingly, not only has this Action been dismissed, but the unsealing of the filings in the Action cannot cause the Action to be refiled. We respectfully suggest that the dismissal of the Action moots the need for a pretrial conference.

Respectfully submitted,



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Gregory P. Joseph  
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*Counsel for Defendants*

cc: Bruce Bernstein, Justin M. Sher